

# CITY OF SAN BERNARDINO

## AGENDA

FOR THE  
REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO,  
MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY, MAYOR AND CITY COUNCIL OF THE CITY OF SAN  
BERNARDINO ACTING AS THE SUCCESSOR HOUSING AGENCY TO THE REDEVELOPMENT  
AGENCY, AND MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO ACTING AS THE  
HOUSING AUTHORITY, AND MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO  
ACTING AS THE SAN BERNARDINO JOINT POWERS FINANCING AUTHORITY

**WEDNESDAY, SEPTEMBER 18, 2024**

**4:00 PM - CLOSED SESSION**

**5:00 PM - OPEN SESSION**

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**Theodore Sanchez**  
COUNCIL MEMBER, WARD 1

**Sandra Ibarra**  
COUNCIL MEMBER, WARD 2

**Juan Figueroa**  
COUNCIL MEMBER, WARD 3

**Fred Shorett**  
MAYOR PRO TEM, WARD 4

**Ben Reynoso**  
COUNCIL MEMBER, WARD 5

**Kimberly Calvin**  
COUNCIL MEMBER, WARD 6

**Helen Tran**

MAYOR



**Damon L. Alexander**  
COUNCIL MEMBER, WARD 7

**Rochelle Clayton**  
ACTING CITY MANAGER

**Sonia Carvalho**  
CITY ATTORNEY

**Genoveva Rocha**  
CITY CLERK

Welcome to a meeting of the Mayor and City Council of the City of San Bernardino

- **PLEASE VIEW THE LAST PAGES OF THE AGENDA FOR PUBLIC COMMENT OPTIONS, OR CLICK ON THE FOLLOWING LINK: [TINYURL.COM/MCCPUBLICCOMMENTS](https://tinyurl.com/MCCPUBLICCOMMENTS)**
- **PLEASE CONTACT THE CITY CLERK'S OFFICE (909) 384-5002 TWO WORKING DAYS PRIOR TO THE MEETING FOR ANY REQUESTS FOR REASONABLE ACCOMMODATIONS**
- **To view PowerPoint presentations, written comments, or any revised documents for this meeting date, use this link: [tinyurl.com/agendabackup](https://tinyurl.com/agendabackup). Select the corresponding year and meeting date folders to view documents.**

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**CALL TO ORDER**

**Attendee Name**

Council Member, Ward 1 Theodore Sanchez  
Council Member, Ward 2 Sandra Ibarra  
Council Member, Ward 3 Juan Figueroa  
Mayor Pro Tem, Ward 4 Fred Shorett  
Council Member, Ward 5 Ben Reynoso  
Council Member, Ward 6 Kimberly Calvin  
Council Member, Ward 7 Damon L Alexander  
Mayor Helen Tran  
Acting City Manager Rochelle Clayton  
City Attorney Sonia Carvalho  
City Clerk Genoveva Rocha

**4:00 P.M.**

**CLOSED SESSION PUBLIC COMMENT**

**CLOSED SESSION P. 12**

**A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Pursuant to Government Code Section 54956.9(a) and (d)(1):

i.) Jaime Sanchez v. City of San Bernardino, San Bernardino Superior Court Case No. CIVSB2321245

**B) PUBLIC EMPLOYEE APPOINTMENT** (Pursuant to Government Code Section 54957)  
Title: Interim City Manager

**C) CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to Government Code Section 54957.6)

Agency designated representatives: Mayor or other Mayor and Council designee  
Unrepresented employee: Acting City Manager/Interim City Manager

**D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subsection (d) of Section 54956.9: one case.

**5:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**CLOSED SESSION REPORT**

**PRESENTATIONS**

- 1. Proclamation for California Native American Day in the City of San Bernardino – September 27, 2024 (All Wards) P.13**
- 2. Proclamation for Inland Counties Against Hate – San Bernardino Anti-Hate Forum & United Against Hate Week in the City of San Bernardino – September 21, 2024 – September 27, 2024 (All Wards) P. 16**

## **PUBLIC HEARING**

- 3. Approval of the Draft Fiscal Year 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) to the US Department of Housing and Urban Development (All Wards) P.19**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Conduct a public hearing on the draft Fiscal Year 2023-2024 Consolidated Annual Performance and Evaluation Report (FY23-24 CAPER); and
2. Authorize its submission to the United States Department of Housing and Urban Development.

- 4. Conduct a Public Hearing on New Building Code Adoption (All Wards) P.358**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Introduce, read by title only, Ordinance No. MC-1643 of the Mayor and City Council of the City of San Bernardino, California.
2. Conduct a Public Hearing for Ordinance No. MC-1643 of the Mayor and City Council of the City of San Bernardino, California, for September 18, 2024, adopting the new Municipal Code language and approve use of the 2022 California Building Code and other minor changes to Chapter 15 of the San Bernardino Municipal Code.
3. Adopt Ordinance No. MC-1643 October 2, 2024.

- 5. Appeal 24-02 of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21 P. 556**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2024-145 denying Appeal 24-02, thereby upholding the Planning Commission's denial of Appeal 24-01 for Development Permit Type-D 21-18, 19, 20, and 21, which upholds the Development and Environmental Review Committee's (DERC) adoption of the Mitigated Negative Declaration in conjunction with the approval of Development Permit Type-D 21-18, 19, 20, and 21, allowing the development and establishment of five (5) service commercial buildings totaling approximately 67,451 square feet on several APNs for a combined 4.81 acres within the Commercial Regional (CR-3) zone.

## **CITY MANAGER UPDATE**

### **PUBLIC COMMENTS FOR ITEMS LISTED AND NOT LISTED ON THE AGENDA**

## **CONSENT CALENDAR**

- 6. Accept and Administer the FY 24/25 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant (24-12083) (All Wards) P. 935**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-205 authorizing:

1. The City Manager to accept and administer the FY 2024/25 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant; and
2. The Director of Finance & Management Services to amend the FY 2024/25 Adopted Budget by \$590,000 in both revenue and expenditures

- 7. Accept the Johns Hopkins Bloomberg Center of Public Innovation 2.0 Project - Love**

**Your Block Grant (All Wards) P. 959**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-204, and:

1. Authorize the City Manager, or designee, to accept grant award funds in the amount of \$100,000.00 for the Bloomberg Center of Public Innovation 2.0 Project (Love Your Block Grant); and
2. Authorize the City Manager, or designee, to execute a Subaward Agreement and any subsequent amendments with Johns Hopkins University (JHU) for the Bloomberg Center for Public Innovation 2.0 Project (Love Your Block Grant) to carry out the service deliverables for the period of May 1, 2024, through April 30, 2026; and
3. Authorize the Director of Finance & Management Services to amend and appropriate the \$100,000.00 for the Love Your Block Grant award in both revenues and expenditures to the Fiscal Year 2024/25 Operating Budget.

**8. Investment Portfolio Report for June 2024 (All Wards) P. 1014**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, accept and file the Monthly Investment Portfolio Report for June 2024.

**9. Award of Agreement for Construction of Lytle Creek Futsal Field Project (Ward 3) P. 1047**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution 2024-206:

1. Approving the award of an Agreement with KYA Services, LLC. in the amount of \$633,472.00 for the Lytle Creek Futsal Field (Project).
2. Authorizing the construction contingencies, construction management, and administrative costs in the total amount of \$99,025.66 for construction of the Project.
3. Authorizing the Director of Finance and Management Services to amend the FY 2024/25 CIP budget with an additional \$140,000.00 from the Cultural Development Construction Fund to bring the total project budget to \$740,000.00.
4. Authorizing the City Manager or designee to execute all documents with KYA Services, LLC.
5. Authorizing the City Manager or designee to expend the contingency fund, if necessary, to complete the project.
6. Finding the Project exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines § 15303 ("New Construction or Conversion of Small Structures").

**10. Authorization to Proceed with Investigation and Analysis for Proposed Street Vacation #15.30-442, a Portion of Iola Place (Ward 2) P.1241**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize staff to proceed with an investigation and analysis for the proposed vacation, #15.30-442, of a portion of Iola Place.

**11. Adoption of Ordinance No. MC-1642 (Annexation 28A) (Ward 5) P. 1247**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Ordinance No. MC-1642 amending Ordinance No. MC-1522 and levying special taxes to be collected during Fiscal Year 2024-2025 to pay the annual costs of the maintenance and servicing of landscaping, lighting, water quality improvements, graffiti, streets, street sweeping, parks and trail maintenance, a reserve fund for capital replacement, and administrative expenses with respect to City of San Bernardino Community Facilities District No. 2019-1 (Maintenance Services).

**12. Accept Grant Funds from Best Friends Animal Society (All Wards) P.1257**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, Adopt Resolution No. 2024-202:

1. Accepting grant funding in the amount of \$25,000 from Best Friends Animal Society; and
2. Authorizing the Director of Finance and Management Services to amend the FY 2024/25 budget in both revenues and expenses and appropriate \$25,000 to be used towards animal shelter programs and services.

**13. Renewal of all necessary contracts associated with Microsoft O365 Enterprise License Subscription and Services (All Wards) P. 1268**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California authorize the City Manager to execute the Microsoft Volume Licensing Enterprise Enrollment; and the Professional Software Service Agreement with Insight Public Sector Inc., for a term of 36-months.

**14. Specific Plan Amendment 23-02 and Conditional Use Permit Revision 23-11 (Ward 6) P. 1315**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California , adopt Ordinance No. MC-1641 of the Mayor and City Council of the City of San Bernardino, California, approving Specific Plan Amendment 23-02 amending the CalMat/Cajon Creek Specific Plan Design Guidelines governing mining depths and areas within the City of San Bernardino Areas K, L, M, and N (Attachment 1).

**15. Approve \$750,000 Funding Agreement with the County of San Bernardino for Gutierrez Park Field Improvements (Ward 6) P.1333**

**Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution No. 2024-203:

1. Authorizing the City Manager, or designee, to execute the Funding Agreement with the County of San Bernardino to receive \$750,000 in County funds for Gutierrez Park baseball field improvements; and
2. Authorizing the City Manager, or designee, to conduct all additional negotiations, signings, and submittals of necessary documents to receive the County funds; and
3. Authorizing the Director of Finance and Management Services to amend the FY 2024/25 budget in both revenues and expenditures, and appropriate \$750,000 in County funds to be used towards Gutierrez Park baseball field improvements.

## **DISCUSSION**

### **16. American Rescue Plan Update (Fall 2024) (All Wards) P. 1365**

#### **Recommendation:**

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Receive and file an update on City of San Bernardino American Rescue Plan Act (ARPA) projects, allocations, and spending to date; and
2. Authorize the City Manager to formally obligate ARPA funds for City led projects per U.S Department of Treasury Guidelines, by executing Inter-Agency agreements for previously City Council approved ARPA projects; and
3. Provide staff direction on any unassigned ARPA funds.

## **MAYOR & CITY COUNCIL UPDATES/REPORTS ON CONFERENCES & MEETINGS**

### **ADJOURNMENT**

The next joint regular meeting of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency will be held on October 02, 2024, at the Feldheym Central Library located at 555 West 6th Street, San Bernardino, California 92401. Closed Session will begin at 4:00 p.m. and Open Session will begin at 5:00 p.m.

## CERTIFICATION OF POSTING AGENDA

I, Genoveva Rocha, CMC, City Clerk for the City of San Bernardino, California, hereby certify that the agenda for the **September 18, 2024**, Regular Meeting of the Mayor and City Council and the Mayor and City Council acting as the Successor Agency to the Redevelopment Agency was posted on the City's bulletin board located at 201 North "E" Street, San Bernardino, California, at the Feldheym Central Library located at 555 West 6th Street, San Bernardino, California, and on the City's website [sbcity.org](http://sbcity.org) on **Friday, September 13, 2024**.

I declare under the penalty of perjury that the foregoing is true and correct.



Genoveva Rocha, CMC, City Clerk

**NOTICE:**

Any member of the public desiring to speak to the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency concerning any matter on the agenda, which is within the subject matter jurisdiction of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may address the body during the period reserved for public comments.

In accordance with Resolution No. 2018-89 adopted by the Mayor and City Council on March 21, 2018, the following are the rules set forth for Public Comments and Testimony:

**Public Comments and Testimony:**

**Rule 1.** Public comment shall be received on a first come, first served basis. If the presiding officer determines that the meeting or hearing may be lengthy or complicated, the presiding officer may, in his or her discretion, modify these rules, including the time limits stated below.

**Rule 2.** All members of the public who wish to speak shall fill out a speaker's reservation card and turn in the speaker reservation card to the City Clerk prior to the time designated on the agenda. Comments will be received in the order the cards are turned in to the City Clerk. Failure of a person to promptly respond when their time to speak is called shall result in the person forfeiting their right to address the Mayor and City Council.

**Rule 3.** The presiding officer may request that a member of the public providing comment audibly state into the microphone, if one is present, his or her name and address before beginning comment. If that person is representing a group or organization the presiding officer may request that the speaker identify that group or organization, including that group or organization's Address.

**Rule 4.** Notwithstanding the provisions of Rule 2 and 3 above, a person shall not be required to provide their name or address as a condition of speaking.

**Rule 5. Time Limits:**

**5. 01** Each member of the public shall have a reasonable time, not to exceed three ( 3) minutes per meeting, to address items on the agenda and items not on the agenda but within the subject matter jurisdiction of the Mayor and City Council.

**5. 02** Notwithstanding the time limits set forth in subsection 5. 01 above, any member of the public desiring to provide public testimony at a public hearing shall have a reasonable time, not to exceed ( 3) minutes, to provide testimony during each public hearing.



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Any member of the public desiring to speak to the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency concerning any matter not on the agenda but which is within the subject matter jurisdiction of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may address the body at the end of the meeting, during the period reserved for public comments. Said total period for public comments shall not exceed 60 minutes, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. A threeminute limitation shall apply to each member of the public, unless such time limit is extended by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public.

Speakers who wish to present documents to the governing body may hand the documents to the City Clerk at the time the request to speak is made.

The Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency may refer any item raised by the public to staff, or to any commission, board, bureau, or committee for appropriate action or have the item placed on the next agenda of the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency. However, no other action shall be taken nor discussion held by the Mayor and City Council and the Mayor and City Council Acting as the Successor Agency to the Redevelopment Agency on any item which does not appear on the agenda unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

Public comments will not be received on any item on the agenda when a public hearing has been conducted and closed.

## ALTERNATE MEETING VIEWING METHOD:

If there are any technical issues with the live stream or recording from the main agenda portal or if you require an option with Closed Captioning, you may view the meeting from the following location (TV3).

<https://reflectsanbernardino.cablecast.tv/CablecastPublicSite/watch/1?channel=6>

## PUBLIC COMMENT OPTIONS

Please use **ONE** of the following options to provide a public comment:

Written comments can be emailed to [publiccomments@sbcity.org](mailto:publiccomments@sbcity.org). Written public comments received up to 2:30 p.m. on the day of the meeting (or otherwise indicated on the agenda) will be provided to the Mayor and City council and made part of the meeting record. **Written public comments will not be read aloud by city staff. Written correspondence can be accessed by the public online at [tinyurl.com/agendabackup](http://tinyurl.com/agendabackup).**

Attend the meeting in person and fill out a speaker slip. Please note that the meeting Chair decides the cutoff time for public comment, and the time may vary per meeting. If you wish to submit your speaker slip in advance of the meeting, please submit your request to speak using the form on the following page: [tinyurl.com/mccpubliccomments](http://tinyurl.com/mccpubliccomments). Any requests to speak submitted electronically after the 2:30 p.m. deadline will not be accepted.

**Please note:** messages submitted via email and this page are only monitored from the publication of the final agenda until the deadline to submit public comments. Please contact the City Clerk at 9093845002 or [SBCityClerk@sbcity.org](mailto:SBCityClerk@sbcity.org) for assistance outside of this timeframe. Written correspondence submitted after the deadline will be provided to the Mayor and City Council at the following regular meeting.

## MEETING TIME

NOTE: Pursuant to Resolution No. 2024029, adopted by the Mayor and City Council on February 21, 2024:

“Section 3. All meetings are scheduled to terminate at 10:00 P.M. on the same day it began. At 9:00 P.M., the Mayor and City Council shall determine which of the remaining agenda items can be considered and acted upon prior to 10:00 P.M. and will continue all other items on which additional time is required until a future Mayor and City Council meeting. A majority vote of the Council is required to extend a meeting beyond 10:00 P.M. to discuss specified items.”

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